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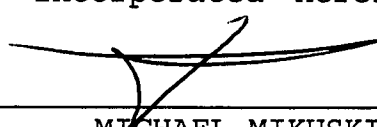
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

|    |                                  |   |                                  |
|----|----------------------------------|---|----------------------------------|
| 6  | UNITED STATES OF AMERICA,        | ) | Magistrate Case No.: 08MJ8791    |
| 7  | Plaintiff,                       | ) | COMPLAINT FOR VIOLATION OF       |
| 8  | v.                               | ) | Title 8, U.S.C., Section         |
| 9  |                                  | ) | 1324(a)(1)(A)(ii)                |
| 10 | Irma Yanet AYON de Fernandez (1) | ) | Illegal Transportation of Aliens |
| 11 | Jovanna Lisset FERNANDEZ (2)     | ) | "AMENDED"                        |
| 12 | Defendants.                      | ) |                                  |

The undersigned complainant being duly sworn states:

On or about August 29, 2008, within the Southern District of California, defendants Irma Yanet AYON de Fernandez and Jovanna Lisset FERNANDEZ, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, Violeta SEVILLA-Correa, had come to, entered and remained in the United States in violation of law, did transport and move, and attempt to transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.

  
MICHAEL MIKUSKI  
Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4<sup>TH</sup>  
DAY OF SEPTEMBER 2008.

  
PETER C. LEWIS  
U. S. Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

3 Irma Yanet AYON de Fernandez (1)

4 Jovanna Lisset FERNANDEZ (2)

5 STATEMENT OF FACTS

6 The Complaint and Statement of Facts is being amended to  
7 reflect Material Witness Violeta SANCHEZ-Correa true name of  
8 Violeta SEVILLA-Correa.

9 The complainant states that this complaint is based upon  
10 statements in the investigative reports by U.S. Border Patrol Agent  
11 S. Templine that on August 29, 2008, the defendant, Irma Yanet AYON  
12 De Fernandez a United States citizen, was apprehended in Calexico,  
13 California, along with (1) one undocumented alien from Mexico, in  
14 violation of law.

15 On August 29, 2008, at approximately 3:00 P.M. U.S. Border  
16 Patrol Agent's witnessed an individual, later identified as Violeta  
17 SEVILLA-Correa, make an illegal entry into the United States by  
18 climbing over the International Boundary Fence from Mexico east of  
19 Calexico, California. Agents soon observed a white-colored Ford  
20 Explorer come south on Bowker Road toward SEVILLA's location. Agent  
21 Templin was able to see the driver of the Ford was a female, later  
22 identified as Irma Yanet AYON De Fernandez, and that she was  
23 wearing a dark colored shirt. Agent Templin was also able to see  
24 the passenger, later identified as Jovanna Lisset FERNANDEZ, was  
25 wearing a bright colored purple shirt. The agents watched as the  
26 Ford make a U-turn and head north again on Bowker Road. Agents saw  
27 the Ford pull to a stop and SEVILLA board the Ford. The Ford  
28 continued northbound on Bowker Road away form the border area.

1 Agents were able to follow the Ford into the city of Calexico.  
2 Agents report the vehicle was traveling well above the posted speed  
3 limits as it traveled into the city. At the intersection of  
4 Eisenhower Avenue and Johnson Street, Agent Templin saw the Ford  
5 come to an abrupt stop and SEVILLA exit the Ford. SEVILLA ran into  
6 the yard of a nearby house and attempt to hide herself.

7 The Ford began traveling toward the Agents. As the Ford  
8 approached the Agents it came to a stop and Agent Templin could see  
9 AYON and FERNANDEZ were still seated in the same positions they were  
10 in when SEVILLA boarded the Ford. As Agent Templin approached the  
11 Ford, he identified himself to AYON and FERNANDEZ and questioned  
12 them. It was determined both AYON and FERNANDEZ are citizens of the  
13 United States, AYON and FERNANDEZ stated they were on their way to  
14 Mexicali, Mexico.

15 As Agent Templin questioned AYON and FERNANDEZ, Agents B.  
16 Whittenburg and J. Policastro approached SEVILLA. After identifying  
17 themselves to SEVILLA, they questioned her and determined she is a  
18 citizen of Mexico illegally in the United States. AYON, FERNANDEZ  
19 and SEVILLA were placed under arrest.

20 At the station, Agent J. Sanchez witnessed Agent M. Hernandez  
21 read AYON her rights and later read FERNANDEZ her rights per  
22 Miranda. FERNANDEZ stated she was coming from Mexicali, Mexico.  
23 FERNANDEZ stated nobody ever got into the vehicle she was in.  
24 FERNANDEZ stated neither her mother nor her have ever been arrest  
25 for alien smuggling before, although she has been questioned about  
26 it.

27 Material Witness Violeta SEVILLA-Correa stated she made  
28 arrangement with a smuggler in Mexico to be smuggled into the

1 United States for the fee of \$3,200. SEVILLA stated she was told  
2 after crossing the border fence to run north and find a tree.  
3 SEVILLA stated after finding the tree a white truck stopped right  
4 in front of her and the passenger, FERNANDEZ, opened the door and  
5 told her to get in. SEVILLA stated FERNANDEZ helped her get in the  
6 truck and the driver, AYON, told her to sit down. SEVILLA stated  
7 later AYON told her to get out of the truck in a fast manner and  
8 hide. SEVILLA was shown six-pack photo-lineup #1 and identified  
9 photo #1, AYON, as the driver of the vehicle. SEVILLA was shown  
10 six-pack photo line-up #2 and identified photo #2, FERNANDEZ, as  
11 the passenger who opened the door for her.

12 The complainant states that the names of the Material  
13 Witnesses are as follows:

| <u>NAME</u>            | <u>PLACE OF BIRTH</u> |
|------------------------|-----------------------|
| Violeta SEVILLA-Correa | Mexico                |

17 Further, complainant states that Violeta SEVILLA-Correa is a  
18 citizen of a country other than the United States; that said alien  
19 has admitted that she is deportable; that her testimony is  
20 material, that it is impracticable to secure her attendance at the  
21 trial by subpoena; and she is a material witnesses in relation to  
22 this criminal charge and should be held or admitted to bail  
23 pursuant to Title 18, United States Code, Section 3144.